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FCC MAIL ROOM

DECLARATION

in support of a
PETITION FOR RULE MAKING

Prepared By and For
MARK JACKY BROADCASTING
KUJ (FM), WALLA WALLA, WASHINGTON

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

FCC MAIL ROOM

SEP 29 2000

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In Re:)
)
Amendment of Section 73.202(b)) MM Docket 98-_____
Table of FM Allotments)
(Burbank, WA))

To: John Karousos
Chief, Allocations Branch

PETITION FOR RULE MAKING

Pursuant to Sections 1.401, 1.420 (g) (3) and 1.420 (I) (1) of The Commission's rules, MJB – licensee of station KUJ (FM), Walla Walla, WA – respectfully submits this Petition for Rule Making to amend the FM Table of Allotments to delete channel 256C2 at Walla Walla WA, to allocate channel 256C2 to Burbank, WA and to modify of the license for station KUJ (FM) accordingly, so as to provide a first local service for Burbank, WA.

Upon a grant, the FM Table of Allotments, Section 73.202 (b) Of the Commission's Rules, would be amended as follows:

	<u>Present</u>	<u>Proposed</u>
Walla Walla, WA	227C1, 239C, 246C, 256C2, 264C3	227C1, 239C, 246C, 264C3
Burbank, WA	None	256C2

The coordinates for Burbank, WA are 46 11 30 North and 118 58 42 West. From the Burbank coordinates, channel 256C2 would be short-spaced to KDRM (FM), channel 257A at Moses Lake, WA, and a proposed allocation of channel 256C3 at The Dalles, OR. To

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meet the spacing requirements of Section 73.207 of the Rules, a site must be located at least 1.6 km South of Burbank to alleviate the short spacing to KDRM (FM) Moses Lake, WA and 15 km to the East to clear the short space to 256C3 The Dalles, OR, Petitioner has chosen a site that meets the spacing requirements. Those coordinates are 45 57 22 North and 118 41 11 West. ^{1/}

PRELIMINARY STATEMENT

The allocation reference point in this Petition complies with The minimum distance separation requirements set forth in Section 73.207 of the FCC's rules. See Engineering Declaration, attached hereto as Appendix A (Table I). The modification of license and change of community can be made in this proceeding since the modification will occur on the station's same channel. See 47 CFR 1.420 (g) (3) and (1).

The requested change in allotments will not deprive Walla Walla, WA, of its only local aural service ^{2/} and will result in a "net service benefit for the affected communities." See Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870, 4874 (1989).

^{1/} The Petitioner does not propose to change sites from its current facility.

^{2/} Channels 227C1, 239C, 246C and 264C3 are also licensed to Walla Walla, WA.

Discussion

I. BURBANK IS A "COMMUNITY" FOR FCC ALLOTMENT PURPOSES

1. The Communications Act requires the FCC to allot all radio frequencies in a "fair" manner among the nation's various "communities." See 47 USC 307 (b). Accordingly, the FCC historically has endeavored to allot radio frequencies to any "community"-- regardless of size and whether or not incorporated ^{3/} -- that constitutes a "geographically identifiable population grouping." See FM Channel Policies/Procedures, 90 FCC 2d 88, 101 (1982).

2. Burbank is designated in the 1990 Census as a "Census Designated Place" with a 1990 population of approximately 1745 persons. It is located outside of any urbanized area. Burbank's Census designation is a legally sufficient basis under FCC precedent to demonstrate its status as a community. ^{4/}

II. THE PROPOSAL WILL RESULT IN A PREFERENTIAL ARRANGEMENT OF ALLOTMENTS

3. The proposal meets the FCC's allotment requirements. See Modification of Community of License, supra, 4 FCC red at 4873. Under this proposal, the city of Burbank, WA will gain its first local broadcast service, a factor of the highest priority in the FM allocation scheme.

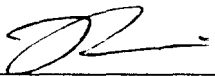
^{3/} See, e.g., Musical Heights, Inc., 29 FCC 1 (1960).

^{4/} See, e.g., Willows and Dunnigan, CA, RM-8416, 10 FCC Rcd 11522 (1995).

See Revision of FM Assignments, Policies and Procedures, 90 FCC 2d 88, 90-2 (1982). The entire city of Burbank will receive city-grade service from the reference coordinates. See Appendix A at Figure 1 (City-Grade Coverage Map).

4. Moreover, Walla Walla, WA, will continue to receive local aural service. Furthermore, the Walla Walla area is already well served by five (5) or more aural reception services.

5. Finally, the loss of an FM at Walla Walla, WA, is far outweighed by the overwhelming public benefits derived from providing a “first” local service to Burbank, WA. See Modification of Community of License, *supra*, 4 FCC Rcd at 4874 (“a change in community of license that would result in a preferential arrangement of allotments should not [be] precluded because the licensee will no longer serve its original community of license”).

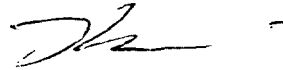


Thomas D. Hodgins
Mark Jacky Broadcasting
Licensee of KUJ (FM)

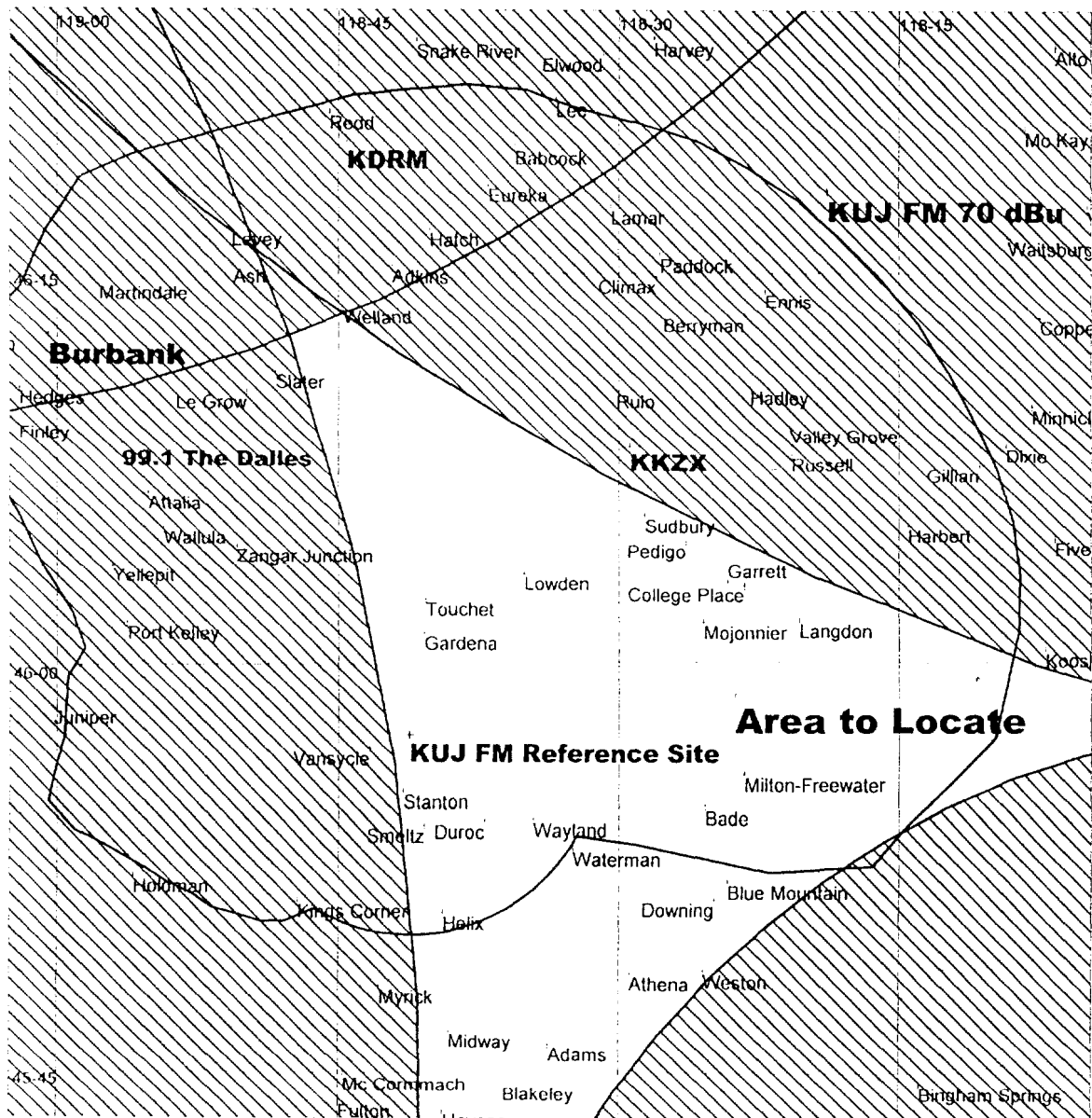
CONCLUSION

6. In view of the foregoing, the FCC should issue a Notice of Proposed Rulemaking, proposing to delete channel 256 C2 at Walla Walla, WA, to allocate channel 256 C2 at Burbank, WA and to modify KUJ (FM)'s license to specify operation at Burbank, WA.

Respectfully submitted,



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Engineering by Alexandra Communications 2000

Scale 1:487400

10 Km

FM Service

State Borders

Lat-Lon Grids

ENGINEERING DECLARATION

APPENDIX A.

Table 1.

CALL	ST CITY	FREQ	CHN	CL	ERP	STAT	DST:km	dBu	FORMAT	ARN	OWNER	LATITUDE	LONGITUDE	HAAT:m	AMSL:m	BRNG	SEP:km	CLR:km	
ALC	OR THE DALLES	99.1	256	C3	.000	Add	178.9	60											CLEAR
Off Air or New RM8741 Party Name Not Attached																			
45-41-01	120-57-17	131	0				80.2	177.0	1.9										
ALC	WA WALLA WALLA	99.1	256	C1	.000	Vac	0.1	60											ALLOCATION FOR KUJ FM C1
Off Air or New Unlisted WALLA WALLA CHRISTIAN BR																			
45-57-21	118-41-15	80	0				27.4	224.0	-223.9										
ALC	WA WALLA WALLA	99.1	256	C2	.000	Use	39.5	60											DISMISSED
Off Air or New Unlisted WALLA WALLA CHRISTIAN BR																			
45-59-38	118-10-47	185	0				263.9	190.0	-150.5										
KDRM	WA MOSES LAKE	99.3	257	A	3.0	Lic	135.3	60											CLEAR
Adult Contempor BLH801112AJ KSEM, INC.																			
47-05-54	119-17-47	6140	407				159.8	106.0	29.3										
KDRM	WA MOSES LAKE	99.3	257	A	.000	Use	135.3	60											CLEAR
Adult Contempor Unlisted KSEM, INC.																			
47-05-54	119-17-47	93	0				159.8	106.0	29.3										
KKZX	WA SPOKANE	98.9	255	C	1.2	LicD	210.7	60											CLEAR
Classic Rock BMPH1991201AB CAPSTAR TX LIMITED PARTN																			
47-35-35	117-17-46	449	1155				210.3	188.0	22.7										
KKZX	WA SPOKANE	98.9	255	C	.000	Use	210.7	60											CLEAR
Classic Rock Unlisted CAPSTAR TX LIMITED PARTN																			
47-35-35	117-17-46	159	0				210.3	188.0	22.7										
KLRF	OR MILTON-FREE	88.5	203	C2	12.0	Cp	38.0	60											CLEAR
Unknown or New BMPED980508IA LIFETALK BROADCASTING AS																			
45-47-13	118-15-42	185	1149				299.7	20.0	18.0										
KQFM	OR HERMISTON	99.3	257	A	3.0	Lic	49.6	60											DELETED / LEFT IN DATABASE
Oldies BLH870721KA WESTEND RADIO, LLC																			
45-51-57	119-18-45	917	265				78.3	106.0	-56.4										
KUBQ	OR LA GRANDE	98.7	254	C2	2.2	Lic	84.3	60											CLEAR
Adult Contempor BLH930909KB GRANDE RADIO, INC.																			
45-26-26	117-53-31	592	1646				312.8	58.0	26.3										
KUBQ	OR LA GRANDE	98.7	254	C2	.000	Use	74.0	60											CLEAR
Adult Contempor Unlisted GRANDE RADIO, INC.																			
45-26-15	118-05-27	23	0				321.2	58.0	16.0										
KUJ-FM	WA WALLA WALLA	99.1	256	C2	31.0	Cp	0.0	70											KUJ FM CP
Off Air or New BMPH990528IL MARK JACKY BROADCASTING																			
45-57-22	118-41-11	191	585																
KUJ-FM	WA WALLA WALLA	99.1	256	C3	2.1	Lic	39.5	60											KUJ FM C3
Off Air or New BLH971124KJ MARK JACKY BROADCASTING																			